

COMMITTEE ON WAYS AND MEANS

April 25, 2017

A meeting of the Committee on Ways and Means was held this date at 4:56 p.m.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring – <i>arrived at 4:57 p.m.</i>	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

1. INVOCATION:

The meeting was opened with a moment of silence provided by Councilmember Wilson.

2. APPROVAL OF MINUTES:

On a motion of Councilmember Riegel, seconded by Councilmember Lewis, City Council voted unanimously to approve the minutes of the April 11, 2017 meeting.

3. BIDS AND PURCHASES

On a motion of Councilmember Lewis, seconded by Councilmember Wagner, the Committee on Ways and Means voted unanimously to approve the bids and purchases as follows:

INFORMATION TECHNOLOGY: ACCOUNT: 235000-52206 APPROPRIATION: \$189,929.76

Approval of renewal of Police Department's dispatch Records Management System (RMS) annual maintenance and support with Sungard Public Sector; sole source vendor. This provides continued annual maintenance and support for the critical operations of the Police Department's Records Management (dispatch).

PARKS/CAPITAL PROJECTS: ACCOUNT: 051430-58240 APPROPRIATION: \$47,070.00

Approval to acquire services to install the video management and access control system of Team 4 offices from NextGen Technologies, 131 Elliana Way, Ste. B, Summerville, SC 29483; sole source.

POLICE DEPARTMENT: ACCOUNT: 200000-52740 APPROPRIATION: \$44,135.81

Approval to purchase printers and accessories to outfit CPD vehicles from CDW-Government, 75 Remittance Drive, Ste. 1515, Chicago, IL 60675; National IPA Contract #130733

POLICE DEPARTMENT: ACCOUNT: 200000-52023 APPROPRIATION: \$68,938.97

Approval to purchase sirens and accessories to outfit CPD vehicles from Campbell Brown, Inc., PO Box 26685, Charlotte, NC 28221; SC Contract #4400012370

FLEET MANAGEMENT: ACCOUNT: 062017-58010 APPROPRIATION: \$507,390

Approval to purchase two (2) Heil PT 1000-20 yd. rear loaders from Carolina Environmental System, 2701 White Horse Road, Greenville, SC 29611; NJPA Contract #11201-THC; 2017 Lease Purchase funds will be used.

PUBLIC SERVICE: ACCOUNT: 323000-52206 APPROPRIATION: \$60,000

Approval to have E-Waste collected and processed by Intelligent Lifecycle Solutions, LLC, 5244 Festival Trail Road, Salley, SC 29137; solicitation #17-B006R. The amount is based on tonnage.

4. OFFICE OF CULTURAL AFFAIRS: APPROVAL TO SUBMIT A GRANT APPLICATION TO SOUTH ARTS IN THE AMOUNT OF \$2,500 FOR THE 2017 MOJA ARTS FESTIVAL LITERARY CORNER. A CITY MATCH IN THE AMOUNT OF \$2,500 IS REQUIRED. THE MATCH WILL COME FROM CORPORATE SPONSORSHIPS.

On a motion of Councilmember Lewis, seconded by Councilmember Riegel, the Committee on Ways and Means voted unanimously to approve to submit a grant application to South Arts in the amount of \$2,500 for the 2017 MOJA Arts Festival Literary Corner.

Councilmember Waring arrived at 4:57 p.m.

5. PARKS: APPROVE THE DEPOSIT OF FUNDS AWARDED TO KEEP CHARLESTON BEAUTIFUL VIA KEEP AMERICA BEAUTIFUL'S CIGARETTE LITTER PREVENTION PROGRAM GRANT IN THE AMOUNT OF \$5,000. PROGRAM FUNDS WILL BE USED FOR CIGARETTE LITTER EDUCATION EFFORTS AND RECEPTACLE INSTALLATIONS AT PRIVATE CHARLESTON MARINAS. NO CITY MATCH IS REQUIRED.

On a motion of Councilmember Lewis, seconded by Councilmember Shahid, the Committee on Ways and Means voted unanimously to approve the deposit of funds awarded to Keep

Charleston Beautiful via Keep America Beautiful's Cigarette Litter Prevention Program grant in the amount of \$5,000.

6. PARKS-CAPITAL PROJECTS: APPROVAL OF LOUIS WARING JR. WEST ASHLEY SENIOR CENTER CHANGE ORDER #2 TO THE CONSTRUCTION CONTRACT WITH HOWELL & HOWELL IN THE AMOUNT OF \$78,276.47 FOR SELECTIVE MUCKING AND INSTALLATION OF FILTER FABRIC IN THE SOUTH PARKING AREA (\$72,349.82) AND INSTALLATION OF FABRIC FILTER IN THE OVERFLOW PARKING AREA (\$5,926.65). THIS APPROVAL WILL RESULT IN A BUDGET TRANSFER OF \$78,276.47 TO THE HOWELL & HOWELL CONSTRUCTION CONTRACT FROM THE PROJECT CONTINGENCY. THE TOTAL PROJECT BUDGET REMAINS UNCHANGED. THE TOTAL CONTRACT TIME WILL INCREASE BY 5 DAYS. THE APPROVAL OF CHANGE ORDER #2 WILL RESULT IN A \$78,276.47 INCREASE TO THE HOWELL & HOWELL CONSTRUCTION CONTRACT FROM \$7,670,009.62 TO \$7,748,286.09. THE FUNDING SOURCES FOR THIS PROJECT ARE: 2012 GENERAL FUND RESERVES, 2014 GO BOND, 2013 GENERAL FUND RESERVES, 2014 GENERAL FUND RESERVES, AND CAPITAL CONTRIBUTIONS FROM ROPER ST. FRANCIS.

On a motion of Councilmember Riegel, seconded by Councilmember Mitchell, the Committee on Ways and Means voted unanimously to approve Louis Waring Jr. West Ashley Senior Center Change Order #2 to the Construction Contract with Howell & Howell in the amount of \$78,276.47 for selective mucking and installation of filter fabric in the south parking area (\$72,349.82) and installation of fabric filter in the overflow parking area (\$5,926.65).

7. PARKS-CAPITAL PROJECTS: APPROVAL OF LOUIS WARING JR. WEST ASHLEY SENIOR CENTER CHANGE ORDER #3 TO THE CONSTRUCTION CONTRACT WITH HOWELL & HOWELL IN THE AMOUNT OF \$140,307.94 FOR COLLECTING AND HAULING AUTOMOTIVE DEBRIS AND OTHER CONSTRUCTION DEBRIS FROM THE SITE. ROPER ST. FRANCIS HAS AGREED TO REIMBURSE THE CITY IN THE AMOUNT OF \$64,191.86 FOR HALF OF THE ACTUAL INCURRED COST BY HOWELL & HOWELL FOR THIS WORK PRIOR TO LABOR, EQUIPMENT USAGE, OVERHEAD AND PROFIT. THIS APPROVAL WILL RESULT IN A BUDGET TRANSFER OF \$140,307.94 TO THE HOWELL & HOWELL CONSTRUCTION CONTRACT FROM THE PROJECT CONTINGENCY. THE TOTAL PROJECT BUDGET WILL INCREASE BY \$64,191.86. THE TOTAL CONTRACT TIME WILL INCREASE BY 7 DAYS. THE APPROVAL OF CHANGE ORDER #3 WILL RESULT IN A \$140,307.94 INCREASE TO THE HOWELL & HOWELL CONSTRUCTION CONTRACT FROM \$7,748,286.09 TO \$7,888,594.03. THE FUNDING SOURCES FOR THIS PROJECT ARE: 2012 GENERAL FUND RESERVES, 2014 GO BOND, 2013 GENERAL FUND RESERVES, 2014 GENERAL FUND RESERVES, AND CAPITAL CONTRIBUTIONS FROM ROPER ST. FRANCIS.

On a motion of Councilmember Riegel, seconded by Councilmember Mitchell, the Committee on Ways and Means voted unanimously to approve Louis Waring Jr. West Ashley Senior Center Change Order #3 to the Construction Contract with Howell & Howell in the

amount of \$140,307.94 for collecting and hauling automotive debris and other construction debris from the site.

Mayor Tekclenburg stated that he wanted to note on the Change Orders regarding the Louis Waring Jr. West Ashley Senior Center Change Orders that the City did receive its \$250,000 contribution from Roper St. Francis Hospital, and the City was very thankful for their participation in the project. An unforeseen condition in the property led to the price adjustment, and Roper St. Francis Hospital agreed to pay an additional \$64,000 for the overage. Mayor Tecklenburg said he wanted to express the City's thanks.

8. PARKS-CAPITAL PROJECTS: APPROVAL OF A CPD HEADQUARTERS HVAC REPLACEMENT CONSTRUCTION CONTRACT WITH CAROLINA CHILLERS, INC. IN THE AMOUNT OF \$40,346 FOR THE SUPERVISION, LABOR AND MATERIALS REQUIRED TO REMOVE THE EXISTING 8-TON LIEBERT UNIT AND INSTALL A NEW 8-TON LIEBERT UNIT. THE SCOPE INCLUDES REMOVAL AND REPLACEMENT OF THE CEILING SYSTEM, EVACUATION OF THE EXISTING REFRIGERANT, THE NEW UNIT, PIPING, DUCT WORK MODIFICATIONS, POWER WIRING, CONTROLS, DISPOSAL OF THE EXISTING UNIT, STARTUP AND TESTING. THE PRICE IS TO INCLUDE THE COATING OF THE NEW CONDENSER COIL FOR SALTWATER APPLICATION. WITH THE APPROVAL OF THE PROJECT BUDGET, STAFF IS AUTHORIZED TO AWARD AND/OR AMEND CONTRACTS LESS THAN \$40,000, TO THE EXTENT CONTINGENCY FUNDS EXIST IN THE COUNCIL APPROVED BUDGET. APPROVAL OF THIS ACTION WILL INSTITUTE A \$46,400 PROJECT BUDGET OF WHICH THE \$40,346 CONSTRUCTION CONTRACT WILL BE FUNDED. THE FUNDING SOURCE FOR THIS PROJECT IS THE FACILITIES MAINTENANCE-GENERAL MAINTENANCE LINE ITEM IN THE 2017 GENERAL OPERATING BUDGET.

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, the Committee on Ways and Means voted unanimously to approve CPD Headquarters HVAC Replacement Construction Contract with Carolina Chillers, Inc. in the amount of \$40,346 for the supervision, labor and materials required to remove the existing 8-ton Liebert unit and install a new 8-ton Liebert unit.

9. PUBLIC SERVICE: APPROVE US 17 SPRING/FISHBURNE US17 DRAINAGE IMPROVEMENT PROJECT BASELINE MONITORING AND SURVEYING AMENDMENT #2 FOR CONTINUED GROUND SETTLEMENT MONITORING AT INCREASED INTERVALS DUE TO UNFORESEEN SUBSURFACE CONDITIONS ENCOUNTERED DURING SHAFT EXCAVATION AND SUBMITTAL OF A FINAL REPORT. CONTRACT TOTAL WITH AMENDMENT #2 IS \$68,553.71.

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, the Committee on Ways and Means voted unanimously to approve US 17 Spring/Fishburne US17 Drainage Improvement Project Baseline Monitoring and Surveying Amendment #2 for continued ground settlement monitoring at increased intervals due to unforeseen subsurface conditions

encountered during shaft excavation and submittal of a final report.

Councilmember Gregorie requested the Chairman refer to the expressway as the Septima Clark Parkway as opposed to the Crosstown.

10. THE COMMITTEE ON REAL ESTATE: (MEETING WAS HELD APRIL 25, 2017 AT 3:45 P.M. AT CITY HALL, FIRST FLOOR CONFERENCE ROOM, 80 BROAD STREET)

- a. Approval of a rental in the amount of \$300.00 for the Piccolo Spoleto choral performance on Sunday, June 4, 2017 at 4:00 p.m. (273 Meeting Street; Trinity United Methodist Church)
- b. Approval of a rental in the amount of \$300.00 for the Piccolo Spoleto Youth Music on Saturday, May 27, 2017 (273 Meeting Street; Trinity United Methodist Church)
- c. Approval for use of the French Huguenot Church (136 Church Street) for Piccolo Spoleto L'Organo on May 30, 2017. The usage fee of \$250 will be paid directly by the American Guild of Organists
- d. Approval for use of First Scots Presbyterian Church in the amount of \$200.00 for Piccolo Spoleto L'Organo on June 5, 2017 (53 Meeting Street)
- e. Approval of use of SC Ports Authority Parking Lot-A in the amount of \$2,490 for Piccolo Spoleto Sunset Serenade on May 26, 2017 (176 Concord Street)
- f. Authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Latrice R. Evans for the sale of 1825 Austin Avenue for \$158,400. This property is being sold subject to the HOME Investment Partnerships Program Resale Restrictive Covenants with an affordability period of 30 years. (1825 Austin Avenue; TMS: 464-01-00-132) [Ordinance]
- g. Request approval of a Memorandum of Agreement relating to a joint permit application, easements, other agreements and improvements necessary for the extension of Joseph P. Riley, Jr. Waterfront Park and the connection of the City's River Walk on LCP's property at 176 and 186 Concord Streets. The property is owned by Leucadia Coast Properties, LLC. (TMS: 459-00-00-276 and 459-00-00-091)
- h. Remedial action regarding restrictive covenants on property at St. Andrews Boulevard and Sycamore Avenue
- i. Resolution authorizing the acquisition of a parcel of land located on Sumar Street by way of eminent domain
- j. Discussion relative to 113 Calhoun Street and Mother Emanuel AME Church

Councilmember White, Chair of the Committee on Real Estate, reported that the Committee had met earlier in the afternoon. They considered five items related to Piccolo Spoleto, a Purchase and Sale Agreement related to 1825 Austin Avenue, a Memorandum of Agreement related to the Waterfront Park Extension behind the new State Ports Authority property/hotel, they discussed remedial action related to restrictive covenants on property at St. Andrew's Boulevard and Sycamore Avenue, a Resolution authorizing the acquisition of a parcel on Sumar Street by eminent domain, and discussion regarding 113 Calhoun Street and Mother Emanuel AME Church. Councilmember White reported that all items were approved unanimously, and he moved for the adoption of the report. Mayor Tecklenburg seconded the motion.

Councilmember Lewis stated he would be voting 'nay' on Item 'i.' Councilmember Mitchell asked if the Resolution was for the purposes of discussion with the developer before the City tried to acquire the land through eminent domain. Chairman Moody confirmed. Councilmember Mitchell asked if it would then come back to the Committee and Council before this happened. Chairman Moody said the Committee was not voting tonight to condemn the property. Councilmember Lewis stated this was not mentioned in the Committee on Real Estate Report, and he did not know it would be brought back to Council.

Councilmember White clarified that the Committee had given the Mayor authorization to begin the process of eminent domain in the event the City could not complete negotiations with the property owner. So, if the City was unable to come to a resolution, the Committee would be giving the Mayor authority by way of eminent domain to acquire the site, which would then begin the condemnation process. Frances Cantwell, Corporation Counsel, confirmed.

Councilmember Wilson asked if this would come to a vote of the Committee on Ways and Means and Council tonight regarding the use of eminent domain. The Clerk stated this was part of the report. Councilmember Wilson also stated that she would need to recuse from Item 10(e) and would complete a Conflict of Interest Form.

Councilmember Seekings said he wanted to make sure everyone on the Committee was clear and read a portion of the Resolution as follows:

"NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Charleston that the initiation of eminent domain proceedings to acquire the property located at 43 Sumar Street, TMS No. 352-08-00-006, to enable traffic and pedestrian improvements and the creation of a park, with supporting municipal buildings for recreation and public safety, is hereby authorized."

Councilmember Seekings said the Committee would be authorizing eminent domain proceedings through the Resolution. He wanted to make sure everyone understood what they were voting on tonight.

Mayor Tecklenburg said, as it was expressed during the Committee on Real Estate, his hope and expectation was the City would complete a successful negotiation for the property, but

the Committee would be authorizing him tonight to initiate proceedings in the event negotiations were not successful.

Councilmember Shahid said this was the area that was referred to as the “suicide merge” by Sam Rittenberg Boulevard and Old Towne Road. Sumar Street intersected and cut through those roads. He said people were taking their lives into their hands traveling down Old Towne Road to take a left onto Orange Grove Road. He said the idea of trying to obtain this property started about a year ago at a mini-workshop held with members of the County Department of Transportation to address how the intersection could be improved. He stated this was a safety issue, and the only entity that could correct this was government. The City needed to address and correct this intersection. One of the top two issues at the first revitalization workshop, Plan West Ashley, dealt with the communities in West Ashley having connectivity. This intersection did the exact opposite. It created a prohibitive means of getting across the street, so that people who lived in subdivisions could not cross the street without taking their lives in their hands. They could do this by car, but could not do this by walking. He referred to the success of the Avondale area and said one could understand what the City was trying to accomplish in this neighborhood.

He stated that in addition to the safety issues, this was the gateway to West Ashley. He credited what Councilmember Waring stated at the Committee on Real Estate, which was one needed to find an intersection or public access area in West Ashley that had more of a gateway connotation to it. This area was how everyone entered West Ashley from the Interstate. The City has fought successfully to avoid a 20-pump gas station being placed on the property, which they did not want at the birthplace of South Carolina. This was one of the most important pieces of property that the City needed to control. He was not sure that a park was going to be the ultimate property use, but he knew the citizens of West Ashley were clamoring for this type of improvement. One of the things he said he had learned on City Council was that “moratorium” was a bad word, as well as the term “eminent domain,” but if the Mayor could not successfully negotiate with the owners on this particular piece of property, then he may have to use this option. He did not think anyone wanted the Mayor to do this, and he was not asking him to do this, but he was asking the Mayor and Council to approve the Resolution, so the citizens of West Ashley could get their due. This was the beginning of the revitalization of West Ashley, and the message they would be sending to the people of West Ashley if they voted against the Resolution, was that they were voting against them. They needed to have control of West Ashley, this intersection, and this property, otherwise they would be back here fighting what would be going on the site again. He said that Chairman Moody had mentioned during the Committee meeting that the City needed to look at this in a global setting, and this was exactly right because other pieces of the puzzle dealt with alleviating traffic on Orange Grove Road, as well as other pieces of property being affected by the acquisition.

Councilmember Lewis said he wanted to hear what the Mayor would like to do with the property before he spoke. Mayor Tecklenburg thanked Councilmember Lewis and said the compelling reason for the property acquisition was the traffic improvements that would occur. Sam Rittenberg would be straightened to create, for the first time, a proper intersection with Old

Towne Road, one that could be lighted and properly maintained with pedestrian crossings. He said that currently, this shopping area was unbelievably pedestrian unfriendly. He asked Councilmembers to refer to an electronic presentation and drawing which showed how Sam Rittenberg Boulevard would turn and go through the middle of the existing former Piggly Wiggly shopping center. It would then align with Southgate Drive across the street, creating a real intersection which would allow pedestrian crossings which did not exist today. This was the primary purpose. The proposal also included park space. The property was 2.8 acres, and he asked the Committee members to think about downtown development, such as a facility like Marion Square, a place for the public to gather and have events. West Ashley developed when it was not a part of the City, and people were not thinking about greenspace, parks, and public spaces. This was the City's opportunity to get it right, it was in the City's TIF district, and it laid between two key areas of the City, the bookends being the North Bridge and Citadel Mall. This proposal would not only straighten out a traffic mess and make it safer for pedestrians and bicyclists, it would benefit the property owners in the area because their properties would increase in value, and the likelihood of them revitalizing and reinvesting in their properties would go up. It would make West Ashley much more presentable when one entered the City off of Cosgrove. He said this made a compelling public interest for the City to acquire and develop the property.

Councilmember Lewis said he still would not vote for the Resolution because he did not believe in taking a person's property. He thought it would be crazy to put a park in the middle of a super highway. He asked who would be responsible for maintaining the highway. Mayor Tecklenburg said SCDOT would be responsible. Councilmember Lewis said that is what he wanted to hear because the highway was the responsibility of the SCDOT. The City was going to spend money on the property, and no one knew if SCDOT would allow the City to put a park on the property. He asked if the City had worked through all of these issues. Mayor Tecklenburg said the portion belonging to SCDOT would just be the roadway. Councilmember Lewis said the entire highway belonged to SCDOT, and SCDOT had the responsibility of maintaining it. Mayor Tecklenburg said this would be just like what SCDOT did on King, Meeting, and Calhoun Streets around Marion Square. Councilmember Lewis asked for the record to reflect that he would not be voting for the Resolution unless it came back to City Council. He said any ordinance relied on City Council, and if it could not come back to them after the negotiations, then he could not vote for it.

Councilmember Williams said he did not believe this area was suitable for a park, but he could envision a public building. Mayor Tecklenburg said there was a public building included, too, and the plan utilized a lot of wasted space that was currently in the public right-of-way. He said this design maximized the public benefit.

Councilmember Gregorie asked if it was possible to amend the Resolution. He said he understood the art of negotiation in that this gave the City more leverage to purchase the property. However, he did not think what Councilmember Lewis asked was that unreasonable and asked if the City could amend the Resolution to clearly state that if negotiations failed for the purchase, the issue would have to come back to Council before the City invoked its eminent

domain authority. He thought it would make the Resolution more palatable to all of the Councilmembers. It was a great proposal, and he was glad he attended the Real Estate Committee meeting because he was better informed to make a decision. However, he was uncomfortable with unilaterally giving the authority of eminent domain to the Mayor without it coming back to Council first. He recommended amending the Resolution to say that it would have to come back to Council before the City invoked eminent domain.

Chairman Moody asked if the Committee wanted to vote on the Committee on Real Estate Report except for Item 'i.'

Councilmember Gregorie said he had a question on Item 'j.' Chairman Moody said Item 'j' was for discussion purposes only.

On a motion of Councilmember White, seconded by Mayor Tecklenburg, the Committee on Ways and Means voted to adopt Items (a) through (h) of the Committee on Real Estate Report. Councilmember Wilson abstained from voting on Item (e). A completed Conflict of Interest form is on file in the Office of the Clerk of Council.

The Committee on Ways and Means recommended giving first reading to the following bill:

An ordinance authorizing the Mayor to execute on behalf of the City a Purchase and Sale Agreement with Latrice R. Evans pertaining to property located at 1825 Austin Avenue, TMS No. 464-01-00-132, for the sum of \$158,400, to include authorization to execute a deed or other documents necessary to consummate the sale in accordance with the provisions of the Purchase and Sale Agreement.

Chairman Moody asked Councilmember Gregorie if he wanted to amend the motion. Councilmember Gregorie confirmed, and Councilmember Mitchell seconded the motion. Chairman Moody repeated the amendment which was to authorize the Mayor to negotiate with Faison, the owners of the property, and come back to Council if the negotiations were not successful. Councilmember Gregorie confirmed that this was his motion.

Councilmember White said in his discussions with the Mayor, this was not the first time the property owners had been approached. This had already happened. The City had already expressed an interest in acquiring the site and hadn't been able to complete negotiations. He said he had been on the Real Estate Committee for nine years, and they never took eminent domain lightly. He said it was a big deal, and it was not something that they ever walked into in a light-hearted manner. Of all the times that he could think of that the City had discussions and given the authority to the previous administration to negotiate a contract and/or eminent domain, it never had to come to that. The City never actually had to fulfill the need to proceed with condemnation. He thought that by giving this authority to the Mayor, the property owners would understand the City was very serious about acquiring the site. The City wanted the owners to receive a fair profit accordingly for the site, but it was also prepared to move forward with eminent domain in order to acquire it for the betterment of the community. He wanted to

make sure this was clear and said the Mayor could speak specifically to what had transpired prior to negotiations.

Councilmember Gregorie asked if they were saying that negotiations had already failed, and if the City was going straight to eminent domain because this was not clear to him. Mayor Tecklenburg said they were not saying that. An offer had been made to the owners, and an appraisal was completed on the property. As of today, the owners had not countered the City's offer. They had taken the step to have their own appraisal completed. He said their discussions would continue, and this would send a very strong message about how serious the City was in acquiring this property. He said the passage that was referenced in the Resolution gave him leverage to negotiate the contract and bring it back to the Committee. He said it was not only his hope, but his expectation that they would be able to bring a contract back to Council shortly for their approval. He thought this was the right thing to do because it made a statement about how important this property was to the City, about how important it was from a public safety and a pedestrian point of view to straighten out the "malfunction junction," and it allowed for better utilization of the right-of-way. The City could design and come to an agreement as to what exactly this would look like, be it partially a park or a civic facility, but he believed they were making a statement.

Councilmember Waring commended the Mayor for making a bold move. He said it was not easy to ask this or any other Council to use eminent domain because it was the last tool in the tool box. He said when one looked at the great public and private spaces in the City, the City would not be enjoying Waterfront Park and Charleston Place, but for eminent domain being a negotiating tool for Mayor Riley. He said Council was getting caught up on how the property was going to be used afterwards. The big issue was that this area was unsafe for about 40,000 people who used the intersection. It was originally designed to get traffic in and out of the shipyard without stopping, and it was a causeway. He said if one worked in the old Blue Cross/Blue Shield building today and wanted to go lunch at one of the nearby restaurants, they would have to use a car because a pedestrian could not get across the road. The only entity that would show the leadership to correct this would be City government. It would not come from the Department of Transportation because they had had about 40 years to do it, and they had not done it yet. He said everything Councilmember Shahid said was correct. This was a gateway to West Ashley, but more importantly, it was the gateway to the birthplace of South Carolina. He said they needed to improve the gateways, sidewalks, and the bike/pedestrian pathways to get this done. Pulling back and giving the situation the 30,000 to 50,000 foot view was the right way to do this. He said they had one time to get this right, and while they were talking about it, the City had the TIF district that was passed, in addition to a half cent sales tax. All of this would eventually be done with bonding, and while they were debating this, interest rates were going up. The bonds that would be issued would end up costing the City more. The Mayor would be in a weakened position if the Mayor did not have eminent domain in his toolbox.

Councilmember Waring said the City did this not too long ago with a piece of property on the other side of the birthplace of South Carolina in Maryville/Ashleyville. The City voted

unanimously less than two and half years ago to acquire the Bender Street property. At the end of the day, eminent domain did not have to be invoked. They negotiated and came back to the table, and the City received a good resolution. The park was currently in process. He said he could not tell all the citizens in Charleston just how important this was. He stated that if it was done correctly, the City could increase the value for the landowner by pulling the proper boulevard through that area. He thought that Council was getting too caught-up on where certain features should be placed. The intersection needed to be corrected to make it safer and the value should be enhanced for the private sector. The City could help create an economy in this location.

Councilmember Wagner said he would rather take a beating than use the term 'eminent domain.' He said this came to Council very quickly, and he did not know the City was trying to purchase the property until he spoke with the Mayor a few days ago. He did not know where the money would come from, where it was budgeted, or if it was brought to Council before. They were negotiating something they did not know was on the table for the City to buy and was in the budget to buy, so why were they ready to pull the hammer out? Eminent domain, to him, meant if all else failed, they had to have it. Chairman Moody said that whenever the City looked at eminent domain, they had to have money in the bank and had to have cash available because if the City pulled the trigger, it had to be ready to act. Chairman Moody said he thought the contract would come back to Council.

Councilmember Mitchell said that eminent domain was not something he liked to do at all. He preferred the Mayor come back to Council after he negotiates. He agreed with everything that was said about West Ashley and agreed on the need for enhancement. He knew the area very well and how the traffic was. He believed the decision on eminent domain should come back to Council to make that decision if the negotiations failed. He said this was the way he was going to vote on the item.

Councilmember Riegel commended the Mayor on his courage and said it was something the City needed for quite a long time. The City was showing leadership that was not seen elsewhere. He said he trusted the Mayor and to take eminent domain out of his toolbox as leverage for negotiating was irresponsible. He thought Council needed to give him everything he needed to make this happen. His impression was that the owner was fishing for a pretty good price, and he understood that, but he did not think the Council was going to allow him to hit the "mailbox lottery." He wanted to take the concept of a park out of the idea and take a global view. This was an opportunity for them to put a stamp on the gateway to West Ashley. MUSC and Charleston Water Systems had expressed interest in that area, as well as College of Charleston who expressed an interest in putting a campus in this location with classrooms. He said that overnight, Ashley Town Center could become a lighthouse in West Ashley. He urged Council not to accept the amendment and to move forward with leaving eminent domain in the Mayor's toolbox. He said this was a great opportunity.

Councilmember Williams said he knew no park would be going there. He would be supporting the Mayor, but he felt like the concept of the area being a park was an illusion, and

he was concerned about transparency in private negotiations. He respected and admired the Mayor's leadership, but once a park was on the table, he would respectfully vote against it. He said there were some things they had heard about the property that were not vetted. He said he had confidence in the Mayor's negotiation and leadership skills, but he did not like taking people's property either.

Councilmember Gregorie said he had full faith in the Mayor's negotiating skills, and he said he would withdraw the motion to amend because he did think they had to make sure the Mayor had everything in his toolbox to make this work. He said he +did not think the City was going to have to use eminent domain.

Councilmember Lewis said no one had mentioned that the City was not the only party negotiating with the owner for this property. He said he was not questioning the Mayor's ability to negotiate, but the landowners should be given the chance to sell the property to whomever they want to if they can. If they do not sell it, and it was the wish of Council to proceed with eminent domain, that was fine with him, but he was not going to support it until it came back from the Mayor to Council. He would not support the motion from the Real Estate Committee.

On a motion of Councilmember White, seconded by Mayor Tecklenburg, the Committee on Ways and Means voted to adopt Item 10(i) of the Committee on Real Estate Report, a Resolution authorizing the acquisition of a parcel of land located on Sumar Street by way of eminent domain. The vote was not unanimous. Councilmembers Lewis, Mitchell, Wagner, Seekings, and Wilson voted nay.

There being no further business presented, the Committee on Ways and Means adjourned at 5:40 p.m.

Jennifer Cook
Assistant Clerk of Council